

11/6/04
K.S.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALCHIMIA, INC.,

Plaintiff,

v.

PETER JACOBSON and MENTOR
CAPITAL ASSOCIATES,

Defendants.

Civil Action No. 04-11908-DPW

WAIVER OF SERVICE OF SUMMONS

TO: Thomas W. Aylesworth, Esquire
Tristan Cameron Snell, Esquire
Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston MA 02210-2604

I, Peter Jacobson, acknowledge receipt of your request that I waive service of summons in the action of *Alchimia, Inc. v. Peter Jacobson, et al.*, which is case number 04-11908-DPW in the United States District Court for the District of Massachusetts.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me if an answer or motion under Rule 12 is not served upon you within 60 days after September 20, 2004.

10/20/04
Date


Signature

Robert A. Burke, Esq.

Printed/Typed Name

Counsel for Peter Jacobson